1760

Miniſterial Uſurpation DISPLAYED,

AND

The PREROGATIVES OF THE CROWN, with the RIGHTS OF PARLIAMENT and of the PRIVY COUNCIL, conſidered.

In an APPEAL TO THE PEOPLE.

There is in all Governments a certain Temper of Mind, natural to the Patriots and Lovers of their Conſtitution, which may be called *State Jealouſy*. It is this which makes them apprehenſive of every Tendency in the People, *or in any particular Member of the Community*, to endanger or diſturb that *Form of Rule, which is eſtabliſhed by the Laws and Cuſtoms of their Country*. The FREE-HOLDER.

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My Fellow Subjects!

WHEN I had the Honor of addreſſing a Letter to a Great Man, in which I humbly ſubmitted *Reaſons, Why the approaching Treaty of Peace ſhould be debated in Parliament*, to his and Your Conſideration, I little ſuſpected that my Mode of Addreſs would ſubject me to the grievous Imputation of being influenced by the black and malignant Deſign of Faction.

But ſo it is, that an angry Gentleman, who has publiſhed *Remarks* on my Letter, has not ſcrupled to bring this heavy Charge againſt me.

As this Charge, if true, would prove me guilty of the higheſt Offence againſt the *Public*, it becomes me to Appeal to *You* in my own Juſtification.

I the more gladly embrace this Occaſion of addreſſing You, as the *Remarker's* unconſtitutional Propoſitions and Arguments, open to me an Opportunity of animadverting on ſome Abuſes in the Adminiſtration,

which, as Members of a free Government demand your moſt ſerious Attention.

We live under a happy Conſtitution, which abhors the Exerciſe of illegal Power: We are under the mild Sway of a gracious Sovereign, who does not deſire to make the leaſt Invaſion on his People's Liberties: And we are defended by a Parliament, who would not ſuffer ſuch Encroachments.

But while we are thus, to all Appearance, happily circumſtanced, a Power unknown to the Conſtitution; has imperceptibly ſtolen upon us, and eſtabliſhed itſelf in Diminution of the Rights both of the Crown and of the Parliament.

I am not afraid to ſay that certain great Officers of State have, for a long time paſt, talked a Language, and uſurped an Authority, which the Conſtitution does not warrant.

The honorable Perſonage, whom, from the Nature of his Office, it is now cuſtomary to call the Miniſter, is not chargeable with this Uſurpation. We do not know that He has ever exerciſed any unwarrantable Power, and we truſt that he will exert his Influence, to prevent any ſuch Power from devolving upon his Succeſſors.

It was for this Reaſon, among others, which I ſhall mention, that I addreſſed myſelf to Him alone: a Circumſtance, which has drawn the *Remarker's* Indignation upon me. To ſhew however, how little Foundation the Gentleman has for indulging the Reſentment he has diſcovered on this Occaſion, I ſhall examine his Remarks with Candor and Impartiality. This Examination will naturally lead me to expoſe the fatal Effects of Miniſterial Uſurpation, which has already altered, and is likely to overthrow, the Conſtitution: And in the Concluſion, I ſhall offer *farther Reaſons why the enſuing Treaty ſhould be debated in Parliament*, as the proper Means to deſtroy undue Miniſterial Influence.

The *Remarker* is pleaſed to premiſe, that "He has no Objection to the Method I "propoſe for negotiating the Treaty of "Peace—the great and primary End of "my Pamphlet—But that He has many "and very ſignificant Ones to the *Mode* of "my Addreſs *."

He then does me the Honor to introduce the Charge againſt me, with the following

* See Remarks, P. 2.

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Compliments on my Abilities, which I am conſcious I as little deſerve, as I merit his ſubſequent Reproaches.

" You are certainly (he is pleaſed to ſay " of me) a Gentleman of ſome Erudition. " You have read the Hiſtory of England it " is plain; You are not a ſtranger to our " Conſtitution, and You muſt know ſome- " thing, one would think, of the Train of " public Affairs. It is therefore impoſſible " You ſhould be ignorant of the Impropriety " of your Mode of Addreſs. One may " laugh at the Folly and Credulity of the " Vulgar on this Subject, as a Thouſand " others I ſuppoſe have done as well as I " have, but when a Man ſets himſelf up " above the Vulgar, and Echoes back all " their Nonſenſe and Abſurdity, he muſt " have a Deſign which is not avowed; the " black and malignant Deſign of Faction *."

This is indeed a heavy Accuſation. But I flatter myſelf, that, without the Exertion of any extraordinary Skill, I ſhall be able to caſt the Load on my Accuſer: And I apprehend that the Burthen will be found more fitting to his Shoulders than my own.

* See Remarks, P. 7.

To

To fix this dark factious Deſign upon me, He obſerves, that " had I been unacquainted " with public Affairs, yet the leaſt Atten- " tion to the Letter on which I founded my " Own would have taught me better."

" When that Writer" ſays he " had ad- " dreſſed himſelf to two Great Men, as " thoſe who have directed our Council with " Unanimity, how came You, Sir, to ſe- " parate them, and to addreſs Yourſelf to " One alone; and to that One of the two " particularly, who is very *ſubordinate* to " the Other?" He adds, that Author, Sir, has told Us, (and if he had not told it, common Senſe would have informed Us) that, " the Rank, the extenſive Influence, " and the perſonal Authority of the noble " Lord, have given HIM the *Pre-eminence* " in public Affairs *."

Had common Senſe told me that theſe Circumſtances gave the noble Lord Pre-eminence, I ſhould have truſted its Information. But though I reſpect the Letter Writer's Abilities, and applaud his Zeal, yet I cannot, even upon his Credit, ſubſcribe to this extraordinary Propoſition.

* See Remarks, P. 7 and 8.

I would aſk the Letter Writer and the Remarker, whether the noble Lord has more Wiſdom, more Loyalty, more Patriotiſm, more Virtue, than his Collegues in the Adminiſtration? Such ſuperior Endowments might indeed give him a Claim to Pre-eminence. But as to his *Rank*, though it gives Him Pre-eminence as a *Subject*, it gives Him none as a *Stateſman*: And with Regard to his *extenſive Influence*, and *perſonal Authority*, I do not, at leaſt I am unwilling to underſtand, what is meant by theſe Qualifications.

But the Remarker partly explains his Meaning in the following extraordinary Interrogation. " Would the Duke of *New-*
" *caſtle*, do You think, have voluntarily
" quitted the Poſt of Secretary of State
" with a larger Appointment, to accept that
" of firſt Commiſſioner of the Treaſury,
" with a leſs, if it had not increaſed his
" Power and Influence; if it had not made
" Him in fact the *firſt and chief* Mini-
" ſter? *

The noble Duke muſt be indeed pre-eminent, his Influence muſt be extenſive, and

* See Remarks, P. 10.

his

his perſonal Authority muſt be great, to enable him to take his Choice of the high Offices of State. I reſpect his Grace as much as the Remarker can, and I will venture to ſay, that he will not think himſelf obliged to the Gentleman for attributing to him ſuch undue Influence in the Adminiſtration. God forbid that any Subject ſhould ever acquire ſuch Influence!

But I would aſk upon what Authority, He pronounces the firſt Commiſſioner of the Treaſury the *firſt and chief* Miniſter? I know, and I am ſure the Conſtitution knows, *no chief* among the Miniſters of State.

The Gentleman is pleaſed to inform us * that he has been tolerably converſant with public Affairs all his Life—that he is a little advanced in Years—that he knows ſomething of the Methods in which the great Buſineſs of the Nation is carried on and conducted—and is not totally ignorant of the Power and Influence appropriated to the ſeveral Departments and public Offices of State.

* See Remarks, P. 3.

I am ſorry that I cannot allow him the Share of Knowledge which he aſſumes. He may know indeed, and alas, we all know too well, by what Methods the great Buſineſs of the Nation *has been* carried on; but he will pardon me the Liberty of adding, that he ſeems an entire Stranger to the Methods which the Conſtitution directs. If he had not been totally ignorant in ſuch Reſpect, he would never have given Place to the following Interrogations.

" Have You ever met, Sir, with any In-
" ſtance in our Hiſtory of a Secretary of
" State being the *firſt* Miniſter? How came
" it into your Head then to conceive, that a
" Secretary of State is the SOLE Miniſter?
" —An Officer who has no more to do
" with raiſing and appropriating the public
" Money than You and I have. Could Mr.
" *Harley*, Lord *Sunderland*, or Mr. *Boyle*,
" do You think, in Queen *Ann's* time, have
" conducted the War without the Lord
" Treaſurer my Lord *Godolphin?* Or which
" do You ſuppoſe was the greateſt of thoſe
" in Power and Influence at home or a-
" broad? Could Mr. St. *John*, in the ſame
" Reign, have concluded the Treaty of
" Peace, without the Lord Treaſurer My
" Lord *Oxford?* Or which of the Two,

" do

" do You apprehend, was chief in Council " and in the Adminiſtration of our Af- " fairs?" *

I ſhould be aſhamed, my Countrymen, to miſpend my Time in reſolving ſuch abſurd and puerile Queſtions, did not my Anſwers lead to an Explanation of thoſe Principles, which I have the Honor to ſubmit to your Conſideration.

Firſt then I muſt aſſure the Gentleman, that I never yet entertained a Conception that a Secretary of State was SOLE Miniſter; —and I will be bold to ſay that no ſuch Concluſion can be drawn from my having addreſſed that great Officer alone: — Neither did I ever apprehend, that a Lord Treaſurer was *firſt* Miniſter. I never imagined that either of them was chief in Council, or that both of them united were, by Reaſon of their Offices, or any other *conſtitutional* Reaſon entitled to the principal *Direction* and Adminiſtration of Affairs.

I know that their Offices are *merely Miniſterial*; and for the Benefit of the Gentleman and others who may not have ſufficiently attended to thoſe Concerns, I will

* Remarks, P. 10.

endeavour to give a general Deſcription of their ſeveral Duties.

The Office of Secretary was executed by One Perſon till about the End of the Reign of King *Henry* the VIIIth, at which Time it was divided between Two, who are both of equal Authority, and ſtiled principal Secretaries of State. The Correſpondence with all Parts of *Great Britain* is managed by either of the Secretaries without Diſtinction; but with Regard to foreign Affairs, all Nations who have Intercourſe with *Great Britain*, are divided into two Provinces, the *Southern* and the *Northern*; of which the Southern is under the *Senior*, and the Northern under the *Junior* Secretary. The Secretaries have Power to commit Perſons for Treaſon, and other Offences againſt the State: A Power, as is ſaid, incident to their Office. In their Hands, the *Requeſts and Petitions of the Subjects are generally lodged, to be by Them repreſented to his Majeſty:* And they are to make Diſpatches thereupon, purſuant to his Majeſty's Directions. One of them is ſuppoſed always to attend the Court, and by the King's Warrant to prepare all Bills or Letters for the King to ſign, not being Matter of Law. The Office called the Paper Office, which contains all the public

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Writings of State, Negociations and Diſpatches; in ſhort, all Matters of State and Council, is under their Care; and they have the keeping of the King's Seal, called the Signet, with which the King's private Letters are ſigned. They are *Privy Councellors*, and a Council is ſeldom or never, held without the Preſence of One of them.

The Office of Lord Treaſurer, now executed by Commiſſioners, * is to take Care and Charge of all the King's Wealth in the Exchequer; he has likewiſe the Check of all the Officers employed in collecting the Cuſtoms and royal Revenues; all the Offices of the Cuſtoms in all the Ports of *England*, are in his Gift and Diſpoſal; Eſcheators in every County are nominated by him; and He makes Leaſes of all Lands belong-

* Whether this Diviſion has not multiplied, and was not intended to multiply, the Number of Dependants, without leſſening the Authority of a ſole Manager, may be conjectured from the following Anecdote.——"A "certain great Miniſter, who was firſt Lord of the "Treaſury, propoſed ſomething at the Board which "was oppoſed by One of his Colleagues: The Mini-"ſter reſented the Oppoſition, and intimated that the "Other had no Right to diſpute his Pleaſure.——Then, "ſaid the Opponent briskly—What do I ſit here for? "—To intitle You to receive 1500 a Year, replied "the Miniſter."

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ing to the Crown. This great Officer is likewiſe of the Privy Council.

But great as this Officer is, He has not, as the Gentleman ſeems to inſinuate, or at leaſt ought not to have, any excluſive Influence in raiſing, or any Power whatever of appropriating, the public Money. His Buſineſs is only to iſſue it under the Authority of legal Warrants for that Purpoſe: And the Conſtitution is ſo jealous of this Appropriation, that We have known Treaſurers called to an Account for Sums wantonly and profuſely applied, though iſſued under the Sovereign's Direction.

In ſhort, neither the Secretaries or the Lord Treaſurer, have, as Officers of State, any other Power than what is merely Miniſterial. As ſuch, they are Servants of the Crown, and are to act in their reſpective Offices, under the Sovereign's Directions. Their extra-official Power, that is, their Right of interfering with the *general* Adminiſtration of Affairs, and of deliberating upon, and adviſing about, National Meaſures, is in Conſequence of their being Privy Councellors.

As

As Secretary or Lord Treaſurer, they have not, conſtitutionally ſpeaking, any more Power, out of their Offices, than the Gentleman or myſelf. It is as Privy Councellors that they have a conſtitutional Right of ſharing in the general Direction of public Concerns.

It is true, as Officers of State they have a local Precedence in Council, but no Preeminence in the Adminiſtration. They are at the Council Board, by Reaſon of their Places, *Majores Singulis, Omnibus Minores.*

I own therefore, though I did not chooſe like the Remarker to cavil about *Modes* and *Perſons*, that I was concerned to find an Author of the Letter Writer's Knowledge and Abilities, addreſs himſelf to *Two Great Men only*, as the Perſons by whoſe joint Concurrence the Adminiſtration is conducted.

This, if true, ſhould have been kept a Secret. Whatever the Remarker may think, I have ſo little Conception of a *ſole* Miniſter, that I ſhould be ſorry to ſee any *two Men*, however wiſe and virtuous, aſſume the Government of *Great Britain.*

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Did our Conſtitution tolerate ſuch a *Duumviracy*, I am perſuaded that it could not be entruſted in better Hands than with the two great Perſonages to whom the Letter Writer addreſſes himſelf.

But what Security can they give that their Succeſſors will inherit their Abilities and Virtues? It may ſeem an extraordinary and paradoxical Propoſition, but it is nevertheleſs true, that Men of the greateſt Talents and faireſt Integrity, have ſometimes been the worſt Enemies to their Country.

By their Wiſdom and Probity they have acquired an undue Share of Credit and Popularity: and if they have not lived to abuſe it themſelves, yet out of the Seeds of their inordinate Power, a Race of Tyrants and Traitors have been engendered.

It is the Nature of lawleſs Power, however, to change the Diſpoſitions of the beſt Men. *Caligula* and his Uncle *Claudius* were good Subjects and harmleſs Citizens, but tyrannical and bloody Emperors; more eſpecially the former. Even *Nero*, while a private Man, lived inoffenſively, and, for ſometime after he was Emperor, reigned virtuouſly. The good Councils of *Seneca*

and *Burrhus* for a long while reſtrained his wicked Diſpoſition: But at length breaking through all Reſtraint, he proved a ſavage Monſter, and lived in open Enmity with Mankind.

But it muſt be admitted, that lawleſs Power does not always corrupt the Poſſeſſors. There are Inſtances of abſolute Magiſtrates who have ſtudied and promoted the Good of their Subjects: Yet the fatal Effects of that Power have, ſooner or later, been felt in their Succeſſors.

Veſpaſian indeed bequeathed to the *Romans* the gentle and beneficent *Titus*: But he alſo left behind him the cruel and bloody *Domitian*. To the *Juſtice* and Generoſity of *Julius Cæſar*, the Mildneſs and Clemency of *Auguſtus*, ſucceeded the Barbarity of *Tiberius*, *Caligula*, *Claudius* and *Nero*.

We ought to be jealous therefore, how we truſt any unconſtitutional Power with any particular Members of the Community. All civil Evils have begun from exceſſive Power in State Officers, and the Redreſs of every civil Evil from an Oppoſition to their Pretenſions and Exceſſes.

No Nations ever preſerved their Liberty long, where the chief Officers were inveſted with arbitrary Sway; and no Nation was ever enſlaved, where Power was properly checked and divided. Nations are free, where Magiſtrates are their Servants, and Slaves where Magiſtrates are their Maſters.

I ſpeak a Language, my Countrymen, which of late you have been little uſed to: But I ſpeak the Language of the Britiſh Conſtitution. It may be thought however that this is not a proper Time for ſuch Freedom of Remonſtrance. The ſucceſsful State of our Affairs, the Unanimity, the ſeeming one at leaſt, of our Councils; and the public Confidence in the Adminiſtration, may be ſuppoſed to leave no room for jealous Fears.

But this particularly is the Time when we ought to be moſt circumſpect. This is the Time when Abuſes ſteal upon us imperceptibly: And this is the Time, when we find ſuch a good Diſpoſition in his Majeſty and his Miniſters, that we are to ſolicit the Recovery of conſtitutional Rights, and to expect Security againſt future Encroachments.

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The unwarrantable Power which has for Years paſt been exerciſed by ſome Great Officers of State, is ſufficient to rouze the Attention of every Freeman of Great Britain. But unhappily Opinion and Reputation have often too great an Influence over our Judgments. The Change of a Miniſter, and the Removal of *immediate* Grievances and Diſtreſſes in conſequence of ſuch Change, makes Us blind to future Dangers and Calamities.

It is now no Time to diſſemble; and We may be bold to ſay, that while the unconſtitutional Power of a Miniſter prevails, the Balance of our Conſtitution is merely ideal.

If a few Men can monopolize Power, and by their *extenſive Influence and perſonal Authority* direct the reſt, where is the Prerogative of the King, where are the Priviledges of Parliament, where are the Rights of the People?—All abſorbed in an unconſtitutional Channel!

The Government of Great Britain is, if I may be allowed the Expreſſion, a *Royal Republic*. The executive Branch is entruſted with the King, the Head of the Commonwealth. The Laws are recommended to him by his Parliament, and executed by

the ſeveral Miniſters of Juſtice. All directionary Acts of State are preſumed to be done by the Advice of his *Privy Council*, who are anſwerable for the Advice they give. The Prerogatives of the Crown are various and extenſive: And the Chief among them is, that the King names, creates, conſtitutes, and removes all the great Officers of the Government.

But what becomes of this precious Prerogative if, by a Combination among Leaders of *extenſive Influence and perſonal Authority*, his Servants are obtruded upon him, and preſume to canton out the ſeveral Departments of State at their Pleaſure? If ſuch Intruders ſhould be bad Men, will they not endeavour to deceive and fetter the King, while they fleece the People?

The Sovereign, in that Caſe, would be in the Condition deſcribed in the Hiſtory of the Emperor Aurelian. *Colligunt ſe quatuor vel quinque, atque unum Conſilium ad decipiendum Principem capiunt: Dicunt quod probandum ſit. Imperator, qui Domi clauſus eſt, vera non novit. Cogitur hoc tantum ſcire quod illi loquuntur: Facit Judices quos fieri non oportet; amovet a Republica quos debebat obtinere. Quid multa? Bonus, cautus, optimus venditur Imperator.*

" Four

" Four or five men conſpire together to
" impoſe upon their Prince. They tell him
" only what they think will be agreeable to
" him. They keep him immured in his Pa-
" lace, ſo that He has no Opportunity of
" learning the Truth; or of knowing any
" Thing concerning the State of his Affairs,
" than what they think proper to inform
" him. For want of due Information he
" promotes Men who are unworthy of their
" Offices, and removes thoſe from his Coun-
" cils, whom He ought to invite to his Ca-
" binet. In ſhort, by ſuch Means, the beſt
" and worthieſt of Princes are bought and
" ſold."

Such will be the Conſequence if the Intruders are worthleſs. But admitting them to be eminent for their Virtues and Abilities, yet how dangerous and miſerable muſt the Condition of that Kingdom be, which depends for it's Security, on the perſonal Virtues of it's Governors, who cannot enſure their own Exiſtence for a Moment!

It is always to be feared, that the inordinate and unconſtitutional Power which, in their Hands, conſtitutes our Happineſs and Proſperity, may, in the Hands of their Succeſſors, prove our Miſery and Deſtruction.

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In eſſential and fundamental Points of Government, *Form*, if I may be allowed the ſeeming Contradiction, is in Fact *Subſtance*: It is not ſufficient that we are right in the End, but We ought alſo to be regular in the Means: It is not enough that Affairs are well adminiſtered, but they ought to be adminiſtered by the Perſons, and according to the Rules which, the Conſtitution preſcribes. Otherwiſe the Adminiſtrators, however they act with Wiſdom and Integrity, do nevertheleſs exerciſe an arbitrary and diſcretionary Power; and whenever ſuch Power falls into bad Hands, it muſt prove fatal.

We all know that ſuch Power has been uſurped for the worſt of Purpoſes: And we ſtill feel the Effects of the Uſurpation. It muſt therefore grieve every Friend to his Country, to hear that ſuch a great Officer of State is to undertake the Conduct of foreign Affairs, and ſuch a One the Management of our Concerns at Home. Such a lawleſs Participation of Power ought to alarm every Briton: For it is ſuch as ought not to be divided between any two Beings, however deſerving, who are leſs than immortal.

We may call our Government by what Name we pleaſe, and divide it into as many imaginary Orders as we pleaſe, but while any

any two, or more, ſhare the Rule between, or among, them, it will in Fact be, what we know it has been, an *Oligarchy*.

Of all Modes of Government this, perhaps, is one of the worſt: And it is doubly dangerous when it is carried on by *extenſive Influence and perſonal Authority*, without the viſible Exertion of *abſolute Power*.

Arbitrary Acts of *Power* would immediately alarm the People, and rouze them to Reſiſtance: But when Government is managed by undue *Influence and Authority* over thoſe who ought to be the Guardians of public Liberty—by deceiving one, bribing a ſecond, promiſing a third, flattering a fourth, cajoling a fifth, intimidating a ſixth, and abuſing the whole—then it ſeems to wear the Form of legal Adminiſtration, and paſſes unobſerved, but by ſome few jealous and diſcerning Patriots, who often attempt in vain to open the Eyes of the Public, blinded by the general Deluſion.

It is to this undue Influence and Authority that we owe all the Struggles and Factions which have for Years paſt rended the Kingdom. This has made the great Offices of State, Objects too well worth Ambition, not to excite Men of ſtrong Paſſions to contend

tend for the Prize: And this has made thoſe Poſts ſo dear to their Poſſeſſors, that they have practiſed the baſeſt Means to ſecure their illicit Power, to the Prejudice of their Country.

How many Millions, we may ſay, has it formerly coſt this Nation, only to decide, in Fact, whether Sir Robert or Sir Thomas ſhould be prime Miniſter? During the Conteſt between them, how has publick Intereſt ſuffered, how has public Liberty been abridged?

Let us not flatter ourſelves. While the great Officers of State are ſuffered to retain this unconſtitutional Influence, there will be no End to the Struggles of Faction. At preſent indeed every Thing ſeems quiet, ſmiling and proſperous. The Change of the Miniſtry in Conformity with the popular Wiſhes, is generally productive of Unanimity, which inſpires freſh Courage and Reſolution, and ſeldom fails of being rewarded with public Succeſs.

But the Seeds of Diſcontent are in the *perverted* Nature of the Adminiſtration: And though the Wiſdom and Vigour which has directed the national Meaſures, with the well deſerved Popularity of the great Perſonage

whom the Public Voice hails as Miniſter, has hitherto nipped the Bud of Oppoſition; nevertheleſs, if not in his Time, yet in that of his Succeſſors, it will ſhoot forth with redoubled Strength, and plentifully yield the baneful Fruit of Faction.

In ſhort, the repeated Shocks which the Conſtitution ſuſtains, from the frequent Conteſts for miniſterial Power, muſt in the End infallibly deſtroy it.

If ſelect Officers of State can command the excluſive Direction of foreign and domeſtic Affairs; if they can agree among themſelves, and ſay "You ſhall enjoy ſuch "an Office—Your Friend ſhall hold ſuch "a Poſt—and I will preſide in this Depart-"ment."—If after having made this illegal Diſtribution, they can ruſh into the Cabinet, and force the Sovereign to a Compliance with their Uſurpation—to what Purpoſe have our Forefathers framed this excellent Model of Government, which has been the Admiration of Ages?

If Miniſters, as we know they have done, ſhould ever again in this Manner, ſhare the Prerogative among them: if they ſhould moreover give Laws to the Parliament, and ſink the Privy Council into a mere *Court of*

Appeal—the Conſequence may be, that this inordinate and unconſtitutional Power may hereafter veſt in ſuch Hands, as, by cloſing with the Views of an ambitious Sovereign, may pave the Way for abſolute Power. Or perhaps, their Uſurpation may rouze ſome zealous Patriots, whoſe ſucceſsful Oppoſition may tempt them to eſtabliſh a Democracy: Or, what is worſe, theſe Patriots, corrupted by Succeſs, may ſet up for themſelves, and, like *Cromwell*, tyrannize under the Title of Protectors.

Theſe Speculations may ſeem vain, and theſe Apprehenſions diſtant: But, in Truth, ſhould ſuch Influence prevail, they will be found to be neither remote or ill founded. Men of little Knowledge and leſs Reflection cheriſh a groundleſs Confidence. They are more attached to Names and Perſons, than to material and eſſential Properties. Under a Patriot King and a virtuous Adminiſtration, they can form no Idea of a future Tyrant or Traitor.

But the Eye of the diſcerning Politician can diſcover the dark Approaches of Diſcord and Tyranny, amidſt all the Glare of Unanimity and Patriotiſm: As the ſkilful Mariner can ſee the Storm gathering, while,

to

to a common Beholder, the Sky is all Serenity and Brightneſs.

Every jealous and ſagacious Patriot therefore, will be an Enemy to all exorbitant and unconſtitutional Influence: And he will be ſeriouſly concerned to ſee any Order or Officer of State, exerciſe a Power which the Conſtitution has not allotted to their reſpective Departments.

Perhaps it may not be difficult to trace the Origin of this irregular Power in the Miniſters of State. Certain great Officers, ſuch as Secretary, Lord Treaſurer, &c. who by Reaſon of their Places were more immediately about the Throne, naturally received Applications from ſuch as were Candidates for Preferment in the Diſpoſal of the Crown.

When it was found that their Recommendations or Importunities were Paſſports to Promotion, the Ambitious and Neceſſitous naturally attached themſelves to the Perſons who held thoſe Offices, and implicitly eſpouſed their Intereſt; by which Means they enabled them at length to gain an Aſcendency over the King and People: For theſe Miniſters feeling their own Strength, and finding that nothing could be granted but

through their Interceſſion, began to dictate both to the Crown and Parliament, and to aſſume an extraordinary Influence in the Adminiſtration, which our Form of Government does not authorize.

Let us hope however to ſee them reſtrained within the due Limits of their Duty. Their Offices, as I have ſaid, are merely miniſterial. They have indeed, as they ought to have, the Diſpoſal of Places within their reſpective Departments; which is reaſonable, as they are anſwerable for the due Diſcharge of their ſeveral Duties. But no great Officer has, or ought to have the Privilege of appointing another; nor are they, or any Number of them, as Officers of State, entitled to the excluſive Management of Affairs.

If they are required to do any Thing illegal in their ſeveral Offices, they have a Power, nay it is their Duty, to remonſtrate: But they have no Right, other than as Privy Counſellors, to interfere with public Buſineſs out of their Departments; nor as Privy Counſellors even, or in any Capacity, are they entitled to perform many Acts of Power which we have known them exerciſe.

Our

Our own Hiſtory affords us melancholy Inſtances of Revolutions occaſioned by this undue Influence; and wherever it is exerted, it will always adminiſter Occaſion for thoſe Diſcontents, which ſometimes burſt forth in all the Rage of civil Commotions. The Conſtitution may by chance recover from ſuch violent Shocks, but it ſometimes, as ours did in the laſt Century, periſhes in the Struggle.

If Miniſters were to confine themſelves within their conſtitutional Sphere of Duty, their Offices would not be ſuch Objects of Envy, nor would that inordinate Power which they have formerly uſurped, and of which Mankind is naturally ſo fond, any more provoke ſuch furious Oppoſition.

If one or two Miniſters do not aſſume the Power of nominating and creating the great Officers of State, of being the *only Counſellors*, and of directing every Thing at their Pleaſure, there will be no room for Malice to ſtruggle againſt them, or if it ſhould, the Contention will be ſhortlived. When they do nothing but what they can juſtify, they will have no need of Tricks and Expedients to cover and diſguiſe their Proceedings.

Some

Some State Empiricks however, inſiſt that ſuch an unconſtitutional Combination is requiſite to counterbalance the Oppoſition of pretended Patriots, who, for their own private Ends, would otherwiſe obſtruct the neceſſary Meaſures of Government.

But they who talk this Language, endeavour to deceive us. That which they would perſuade us to be a Remedy, is, in Fact, the Cauſe of the Grievance complained of.

It is this irregular Adminiſtration we are ſpeaking of, which furniſhes theſe Pſeudo-Patriots with Pretences of Oppoſition, even while Buſineſs is prudently conducted. It is indeed their ſtrongeſt Weapon, and they uſe it accordingly. Whoever reads the Parliamentary Debates of this Kingdom, eſpecially thoſe in the Reign of the firſt Charles, will find that our Patriot Harangues turn as much againſt the unconſtitutional Monopoly, as againſt the Abuſe of Power.

When the Government runs in the regular Channel, which the Conſtitution has cut out, Every Order of the State will retain it's due Influence, and be more than a Balance for any wanton, malicious, or ſelf-intereſted Oppoſition.

When

When the national Buſineſs takes this happy Courſe, the King will have the Nomination and Appointment of the great Officers of the Kingdom. All weighty and important Concerns of State, which do not require prompt Determination and Execution, will be tranſacted by the Advice and Conſent of *Parliament*. When the national Aſſembly is not ſitting, or upon ſudden Emergencies which call for Vigour and Diſpatch, the Sovereign will act by the Advice of his *Privy Council*: And in very extraordinary Caſes, which demand uncommon Expedition or Secrecy, he *may* perhaps find it expedient to chooſe a ſelect Number of Privy Counſellors to compoſe what is called a *Cabinet Council* to aſſiſt him with their Advice on ſuch urgent Occaſions. *

But, in Truth, theſe extraordinary Caſes, which moſt frequently occur in Time of War, are oftener *made* perhaps, than they ariſe naturally. If we may judge from Inſtances in former Reigns, the leſs the Nation is managed by *Cabinet Council*, the bet-

* It is obſervable, that our Conſtitution knows no ſuch Aſſembly as a *Cabinet Council*: And ſuch a Language would not be underſtood in Parliament, or in a Court of Law. The Law indeed takes notice of the *Privy Council*: But a Privacy beyond that Privacy, and ſometimes Secrets even beyond that, is eaſier to be conceived than juſtified.

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ter. Such extreme Privacy, we know, has been oftner uſed to keep Secrets from being diſcovered at home, than to prevent their being publiſhed abroad. It has been more frequently uſed to conceal the Deſign of Domeſtic Encroachments, than to ſecure us againſt Foreign Dangers.

Nothing can preſerve the happy Unanimity which at preſent ſeems to ſubſiſt, or ſecure the internal Peace and Welfare of this Kingdom, but an Adherence to the conſtitutional Mode of Government.

As a Step towards eſtabliſhing it, I preſumed to offer *Reaſons why the approaching Treaty of Peace ſhould be debated in Parliament*: And I ſubmitted them to the Great Perſonage whom I had the Honour to addreſs, not becauſe I conceived him or any other to be SOLE or *firſt* Miniſter, but becauſe by the Nature of his Office as Secretary, I judged it moſt regular to communicate my Propoſition to him.

The Remarker may obſerve, that it is incident to the Nature of the Secretaries Office, to have the Requeſts and Petitions of the Subject, lodged in their Hands to be repreſented to his Majeſty. They are the proper Officers to receive the Propoſitions of In-

Individuals on Matters of general Import. The Deſires of Numbers indeed, ſhould be addreſſed to their Repreſentatives.

This being the Caſe, wherein is my Mode of Addreſs exceptionable? The Remarker, if he had thoroughly conſidered my Propoſal, would have found that it was addreſſed to the Secretary merely in his miniſterial Capacity, as one who by his Office has moſt ready and frequent Acceſs to the Throne. To repeat my own Words, I took the Liberty of obſerving that "As the moſt "effectual Means of opening the Channel "of parliamentary Inſtruction, it depended "on him to diſpoſe our Patriot Sovereign to "conſult with his faithful and affectionate "Parliament, &c." Now the making ſuch Suggeſtion being the Buſineſs but of one Man, and the two Secretaries being without Diſtinction equal in Power, where was the Impropriety of my Addreſs?

It ſhould be remembered that I addreſſed the Secretary, not the Privy Counſellor. What I humbly propoſed was a bare *Act of Office*; I ſubmitted it to him to recommend to his Majeſty the Revival of a conſtitutional Practiſe, the Legality of which I proved by a Number of Authorities—a Practice,

which, however antiquated, ought never to be abolished.

I did not propose Terms of Peace, or any new Matter which required the Deliberation of State Councellors. If I had, I should not have addressed myself to One or Two: I should have known that it did not become me to suppose an unconstitutional Pre-eminence or exclusive Authority, in any select Number of Great Officers.

Even the Remarker himself, who presumes to censure me for not following a bad Example in addressing Two Great Men as the only Managers, is nevertheless so inconsiderate as to argue against his own Proposition, and to remind me of several Great Officers who have Seats in Council, and as he says—"no inconsiderable Place in the "Direction of our Affairs *."

Why then should not these have been addressed likewise? Why not all the Privy Councellors? Why should the Address be made only to the Secretary and first Commissioner of the Treasury? Why does the Remarker venture to stile the Latter, first

* See Remarks, P. 27.

Mini-

Miniſter: and dare to ſay that he does in fact preſide over our Affairs * ?"

I am ſure that our Conſtitution knows no ſuch Officer as firſt or Prime Miniſter. And if it did, I could not be perſuaded that the firſt Commiſſioner of the Treaſury is entitled to that Appellation.

If the Claim to ſuch Diſtinction depends on the Importance of their ſeveral Offices, and the Skill required to execute them, I ſhould have thought that in a maritime Kingdom like ours, more eſpecially during a War which has been chiefly Naval, the firſt Commiſſioner of the Admiralty, had a better Title to be conſidered as prime Miniſter than the firſt Commiſſioner of the Treaſury; whoſe Office, compared to the other, is domeſtic, and, if I may be pardoned the Freedom of the Expreſſion, mechanical.

But, to ſpeak the Truth, it ſeems indifferent to the Remarker whom he exalts, if he does but degrade the Secretary. He is indeed evidently actuated by that factious Principle which he pleaſantly imputes to me: and from ſome oblique Strokes of Ma-

* See Remarks, P. 14.

lignity, we may plainly perceive the invidious Colouring of Party.

Thus in taking Occaſion to compliment the Duke, he throws out ſome malevolent Inuendoes, marked with *Italics* leſt they ſhould paſs unnoticed, by which he would intimate, that ſomebody wants thoſe Virtues which he aſcribes to his Grace: who has always, he tells us—" ſupported *one public conſiſtent Character* of Fidelity to his Maſter, and Integrity to the Commonwealth;;" and been, " *of the ſame Complexion in Parliament throughout every Seſſion* *."

A Reader muſt be dull indeed, not to perceive the Hand of Faction in theſe Italic Sarcaſms. But I forbear to animadvert upon them as they deſerve, as I ſhould be ſorry to contribute in the leaſt towards the Recollection of Party Diſputes and Animoſities.

His Grace's firm Attachments are too well known to need the Remarker's Commendation. But when he talks of Conſiſtence, let him remember that a Man may wear *different Complexions* in Parliament, and yet be conſiſtent in his Fidelity to his Maſter, and his Integrity to the Commonwealth.

* See Remarks, P. 14.

The

The Conſiſtence truly laudable, does not depend on an implicit Adherence to one Party, or one Syſtem of Meaſures, but on a Conduct regulated according to the prevailing Dictates of Judgment and Conſcience: all other, is but the obſtinacy of Ignorance, aſhamed to confeſs an Error, or the Pertinacity of a depraved Mind hardened againſt Compunction.

I muſt do this Remarker, however, the Juſtice to own that *he* is extremely conſiſtent. His Zeal for Party is ſo furious, that he does not ſcruple to falſify the Text of my Letter, and create Paſſages, in order to make Way for his own factious Comment.

Thus he is kindly pleaſed to adviſe me, whenever I Addreſs myſelf to the Great Man again, to make no Encomiums on— "thoſe Principles which he urged and de- "fended in Oppoſition to Sir *Robert Wal-* "*pole* *."

This he does not ſcruple to mark as a Quotation from my Pamphlet, in which no ſuch Paſſage is to be found. It is true that in tracing the Progreſs of Venality, I uſe the Freedom of addreſſing the Great Per-

* See Remarks, P. 23.

ſonage

ſonage in the following Terms—— " You, " Sir, have been Witneſs to the Arts of " Corruption. It is many Years ſince your " youthful Ardour firſt contributed to check " its Progreſs and defeat its Deſigns. You " have happily ſurvived to fill a Poſt in the " Adminiſtration, where you have an Op- " portunity of enforcing by your Practice, " thoſe Principles which you then ſo no- " bly urged and ſupported *."

Who could have imagined that the Remarker would have been ſo ſatirical as to conſtrue an Oppoſition to Corruption, and an Oppoſition to Sir *Robert Walpole* to be one and the ſame Thing? I believe the worſt of Sir *Robert's* Enemies will not venture to ſay that every Step he took was meaſured by Corruption: no doubt therefore but ſome of his Meaſures were unreaſonably oppoſed.

It ſeems, however, that I have been ſo unhappy as to offend the Remarker's Delicacy, by what he is pleaſed to call ſome Strokes of Adulation. I have ventured indeed to ſay that " the Bleſſings of Refor- " mation are expected at the Secretary's " Hands: that if he forſakes us, all is

* See Reaſons, &c. P. 31.

" over."

" over *." By which nevertheleſs I would not be underſtood to intimate, what the Remarker, as he thinks, wittily inſinuates, that—" our Liberty, our Property, our " Grandeur, and our Virtue, muſt all fall " with his Defection"—I mean no more than that, if He forſakes his Principles, if He is falſe to his own repeated Promiſes and Declarations, if He ſtops ſhort in thoſe Schemes of Reformation by which he has deſervedly acquired ſuch uncommon Confidence and popularity—then we can no longer depend on any Man's Probity and Profeſſions—then we muſt give over all Hopes of Amendment—then we muſt be content to go on in a gradual Decline; till at length we fall Victims to the abuſes of uſurping Miniſters, and the Struggles of pretended Patriots: unleſs we have Recourſe to deſperate Remedies, which inſtead of curing the internal Diſorders of the Conſtitution, may, as it has done formerly, accelerate its Deſtruction.

When I pronounced the Secretary " the " *chief* Inſtrument of the happy Change we have already experieneed †," I cannot accuſe myſelf of Flattery. We all know in what a diſtreſſed Condition our Affairs ſtood when he entered into the Adminiſtration. The

* See Reaſons, &c. P. 41. † Ditto, P. 46.

miſe-

miſerable Circumſtances attending that Conjuncture, broke the Knot of *extenſive Influence and perſonal Authority*, and enabled his Majeſty to make a free Election. Happily the Voice of the People applauded the Sovereign's gracious Appointment; and the uncommon and unparalleled Succeſs which has attended our Affairs ſince the preſent Secretary had ſo great a Share in their Direction, is a ſufficient Warrant for our pronouncing *him*, under his Majeſty, which is always to be underſtood, the chief human Inſtrument of the happy Alteration. In this Opinion, the People ſeem to be almoſt unanimous; and I hope the Gentleman will not be angry with me, if I do not attempt to be wiſer than a Nation.

But I have not ſcrupled to obſerve, that though he has contributed much to the deſirable End of Reformation, yet much remains to be done. I have preſumed to remind him of thoſe things which are expected from his Prudence, Spirit, and Virtue; and I take the Liberty of adding — "Let "your *future Conduct be* your Elogium *." Judge then, my Countrymen, whether I have ſpoken the Language of a Flatterer.

* See Reaſons, &c. P. 48.

Little

Little Minds, which determine from their own Feelings, may conſtrue the Zeal of grateful Applauſe into Adulation. The Praiſe, however, which we beſtow on the Deſerving ſhould be called by another Name: and, though I hope I ſhall always have Virtue enough to make my warm acknowledgments to Merit, yet I diſclaim all Flattery.

Had I an Inclination to have flattered the Miniſter, yet I know him ſufficiently, to be aſſured that the Incenſe would be ungrateful to him. The Flatterer compliments the Idol of his Adulation with boundleſs Power; whereas the End of my Addreſs was to abridge Miniſterial Influence: and for that Purpoſe, I urged *Reaſons why the approaching Treaty of Peace ſhould be debated in Parliament*.

Here, my Countrymen, give me leave to expatiate farther on the Expedience of this Mode of Negociation. Permit an unknown Individual to expoſtulate with you on this Occaſion, and do not think it Preſumption in one Man to propoſe Regulations ſeemingly new, on a Concern of ſuch Moment.

An eminent Politician has told us, that "it is not below the Dignity of the greateſt Aſſembly, but agreeable to the Practice of the beſt Commonwealths to admit,

" any Man to make Propoſitions for the " good of his Country." The beſt political Writers have laid it down as a Maxim, that the deviſing of Expedients is the proper Office of one Man, though the Choice of them belongs to an Aſſembly: as one Man cannot have the ſtrength of Judgment which there is in a multitude of Councellors.

The *Reaſons I offered why the expected Treaty of Peace ſhould be debated in Parliament*, acquire freſh Strength from the Diverſity of private Opinions which have ſince appeared among ſome of our ableſt Writers and moſt intelligent Politicians, on this Subject.

The Author of the Letter to two Great Men, who, as I obſerved, and with the Remarker's leave muſt again repeat, appears to be well experienced in National Affairs, has recommended Terms to be inſiſted upon at the enſuing Negociation, which are ſome of them reaſonable, and moſt of them ſpecious.

Nevertheleſs a Writer of not unequal Abilities, and, if I am right in my Conjecture as to his Perſon, as amply furniſhed with Opportunities of Information, eſpecially with Regard to our Colony Concerns, has undertaken to contravert almoſt every Particular. Both are plauſible: but it is foreign from my

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preſent Purpoſe, to examine whoſe Propoſals are moſt juſt, or whether either of them are expedient.

Various have been the Terms recommended by other Writers of inferior Talents and Conſideration. But, without entering into the Merits of their reſpective Plans, it will ſuffice to obſerve, that ſuch Contrariety of Sentiment on ſo momentous a Point, is a powerful Argument to prove that the concluding a Treaty of Peace, is ſo arduous a Taſk as ought not to be left to the Conduct of any *Two Men*.

But did not the Exigence of the Caſe direct the regular Method of negociating, yet our Conſtitution, as I have ſhewn by Authorities * cited in my Letter, preſcribes ſuch Negociations to be conducted by the *Advice and Conſent of Parliament*.

Had it been impoſſible however to have produced Inſtances in Point, yet the Reaſon of State, in a free Government like ours, ſtrongly indicates the Neceſſity of parliamentary Deliberation and Council on ſuch important Subjects.

The true difference, my Countrymen, between a free and a ſlaviſh Government is, that in the former the Magiſtrates muſt conſult the *Voice* and Intereſt of the People

* See Reaſons, &c. from P. 22. to P. 29.

whereas in the latter, the Will and Intereſt of the Governors is the ſole Meaſure of the Adminiſtration.

Power, among us, ought to be properly divided. Every irregular Uſurpation of it, is a Surfeit which diſorders the Kingdom and excites Faction. As a good State of Health contributes to diſpel the Gloom and Melancholy which oppreſſes the Spirits, ſo a well ordered Government tends to baniſh the diſagreement of Party Animoſities.

All Governments have tended towards Deſpotiſm, where the Magiſtrates have conducted the Adminiſtration independent of the Advice of the People; when *Charles* XIth of *Sweden* found Means to diſpenſe with the Proviſion which ordained, that *the King ſhould govern with the Advice of the Senate*, he ſoon ſeized an Opportunity of making the Government abſolute.

If the Expedience of the Method I recommend may be proved from the Principles of abſtracted Reaſoning, what additional Force does it acquire, when ſupported by the Precedents I produced in Evidence of a continued Practice conformable to ſuch Principles?

It will be in vain to urge that ſuch Precedents are of antient Date. It may be replied,

plied, that though the private Franchiſes of particular Perſons or Places may be loſt by Nonuſer, yet the eſſential and fundamental Rights of a Kingdom, cannot be forfeited for want of Uſage or Claim.

They are, in their own Nature, unalienable; and I will be bold to ſay, that even a Parliament cannot legally transfer or ſurrender them. If they do, it muſt be by an Act of Power not of Right: and no ſuch Arts can be binding againſt their Conſtituents, any longer than Force and Violence gives them Continuance.

There are no Doubt ſome Conſtitutional Rights which a Parliament cannot legally alter or annul. Will any Man ſay that the Rump-Parliament had a Right to vote the Houſe of Peers uſeleſs, to ſubvert the Conſtitution, and eſtabliſh a new form of Government? Or will any Man ſay that a Parliament can declare their Seats in the Houſe to be Places for Life?

Their Power is ſo limited in ſome Caſes, that they cannot give up even their own Privileges, not ſo much as their perſonal ones: though they may, with Leave, wave them on particular Occaſions, ſo as not to prejudice the general Right.

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The Reaſon why they cannot make ſuch Reſignation is, becauſe all the Rights and Privileges they enjoy, all the Honors they receive, are for the Honor and Intereſt of their Conſtituents: therefore they cannot alien or ſurrender them.

That Parliaments have been conſulted and adviſed about making Treaties of Peace, and have conſented to their Concluſion, is evident from the many Authorities cited, through ſeveral ſucceſſive Reigns, in my Letter: and we ſee that no Diſuſe or Want of Claim, can operate to the Prejudice of this conſtitutional Right.

But as the Practice has not properly prevailed during his Majeſty's Reign, or that of his immediate Predeceſſors, it may not be adviſeable as I hinted in my Letter, or conſiſtent with the nice Duty and Reſpect which we owe to our gracious Sovereign, to apply for the Revival of ſuch Practice, as a Matter of *Right*.

Indeed ſuch a Form of Application would be as needleſs as diſreſpectful. For ſuch is his Majeſty's known Goodneſs and tender Regard for the Privileges and Liberties of his Subjects, that by only reminding him of ſuch a conſtitutional Practice, we ſhall recover

cover the *Right*, without rudely inſiſting upon it, *eo Nomine.*

But there are a Set of Men who will be ready to exclaim that this Propoſal tends to leſſen the Prerogative: and the Crown, they will tell us, wants Power. It may indeed want Power *over themſelves and their Patrons:* and their pretended Zeal for the Crown is only a Maſk, under which they ſecretly endeavour to extend their own undue Influence.

The Conſtitution has lodged as much Power in the Hands of the Crown, as a good King, who governs for the Intereſt of his People, would wiſh to exerciſe. It is true that uſurping Miniſters have formerly invaded the Prerogative, and given Laws both to the King and People: and theſe very Mininiſters, as was natural, have been the loudeſt Advocates for the Power of the Crown.

The re-eſtabliſhing the conſtitutional Intercourſe between the Sovereign and his Parliament, is the only effectual Means of ſecuring the Crown againſt ſuch Inſults and Invaſions for the future. If ambitious and deſigning Men ſhould ever force themſelves into the Adminiſtration, they will rule their Maſter and the Kingdom; and, to conceal

their

their Uſurpation, they will transfer the Buſineſs of Parliament to the Cabinet.

Cabinet Councellors, we know have been Cabinet Dictators. What Miſchiefs have not ariſen from Cabinet Intrigues? It was in the Cabinet, that the Treaſurer Lord *Oxford* and Mr. Secretary St. *John*, concluded the ſhameful Treaty of *Utrecht*: and can any Man ſuppoſe that the Articles would have been ſo inglorious and equivocal, if it had been regularly made, by the *Advice and Conſent* of Parliament? I ſay *Advice and Conſent*, for I am aware that it was *debated* in Parliament; and it ſhould be remembered to their Honor, that the Peers, among whom Lord *Nottingham* particularly diſtinguiſhed himſelf, were the Patriots on this Occaſion, while the Commons teſtified an inglorious Compliance *.

Such a Mode of Negociation is ſo far from having a Tendency to impair or diminiſh the Prerogative, that in fact it will contribute to ſtrengthen and confirm it; and ſecure the Crown and the Kingdom againſt the

* One of our monthly Writers has, indeed very juſtly, objected to a Note concerning this Treaty in my Letter: but if he had attended to the Context, he would have found that this was only an Error of Expreſſion, and that I ſtrongly inſiſt throughout, on the Advice and *Conſent* of Parliament.

Uſurpation of any future *Oligarchy*, under the ſpecious Title of a *Cabinet Council*.

There are many who talk of the Prerogative, without ſeeming to have a juſt Idea of its Nature and Extent. Thus when they ſay that it is the King's Prerogative to make War and Peace, they ſay right. But if they mean that, therefore it is needleſs for the Crown to take the Advice of the great Council, that is, the Parliament, perhaps they ſay too much.

It is undoubtedly, as it ought to be, the royal Prerogative alone, to make War and Peace, ſo far as the Power is *executive*.—That is, it belongs to the Crown, as the executive Branch, to ratify Treaties, and iſſue Proclamations of War and Peace: and ſuch Proclamations have the Force and Effect of a Law.

But it does not follow therefore, that the Great Council have not the Right of giving their Advice upon, and their Conſent to, the Terms of ſuch Treaty. It ſhould be remembered that the *executing* an Inſtrument, and the *framing* of that Inſtrument, are diſtinct Points of Conſideration.

All Acts of Parliament are executed by the Sovereign, and they are the Acts of the

Crown, as appears from the enacting Clauſe, which always runs thus—" Be it ENACTED " *by the* King's moſt excellent Majeſty, by " and with the *Advice and Conſent* of the " Lords Spiritual and Temporal, and Com- " mons, in this preſent Parliament aſſem- " bled, and *by the Authority* of the ſame, " that, *&c.*"

Yet no one ſure will argue from hence that the Crown has the ſole Prerogative of framing ſuch Statutes. No, They are the Acts of the Crown; but framed by Parliament: And the Authority for *executing ſuch Acts*, is the Advice and Conſent of Parliament.

In like Manner with reſpect to Treaties, though they are Acts of Prerogative, yet the Authority for executing ſuch Acts, has been, and we truſt will be again, the *Advice and Conſent* of Parliament. Execution is the proper Prerogative of the Head of the Commonwealth, Deliberation and Advice is the Priviledge of the Body.

We know that *War*, in Effect, cannot be declared without the Conſent of Parliament. The Nature of our Conſtitution has thrown a Barrier in the Way: For the Supplies to carry it on muſt be drawn from Parliament.

Why

Why then ſhould Peace be concluded without ſuch Authority? The making Peace as well as declaring War, are both ſuppoſed to be Acts for the Good of the People, and it is ſtrange to imagine that either ſhould be carried into Execution without their Advice and Conſent.

This, my Countrymen, is the Mode preſcribed by the Conſtitution, and I will venture to add, by Reaſon and Juſtice. Nothing can be more agreeable to Equity and common Senſe, than the Words in the Writ of Edward the I. which I took for the Motto of my Letter, and which I beg Leave to repeat.

" *Lex juſtiſſima, provida Circumſpectione* " *ſtabilita, ut quod omnes tangit, ab Omni-* " *bus approbetur.*" It is, ſays this wiſe Prince,—" a moſt juſt Law, eſtabliſhed with " the moſt provident Circumſpection, that " what concerns all, ſhould be approved " by all."

Here we have the higheſt Aſſurance of the Juſtice, Expedience, and *Legality* of this Practice. We have the Word of a King, of a King of England, and one of the wiſeſt that ever ſat on the Throne, that it is a moſt *juſt Law.*

He has acknowledged the People's Rights in the ſtrongeſt Terms: Though, if he had not, the Nature of our Government would have ſuggeſted them to the plaineſt underſtanding. The Tricks of State may be hard to comprehend, but the Principles of a free Government are obvious to a common Capacity.

Happily the Arts of Refinement and Fineneſs are baniſhed from the Adminiſtration. Neither our Sovereign or his Miniſters need have recourſe to mean Shifts and Expedients. Their Deſigns being juſt and generous, their Conduct is open and undiſguiſed. They do not endeavour to abridge the Liberties, or fetter the Opinions, of the Public.

The Freedom with which every Man declares his Sentiments, is the Effect and Sign of good Government. We live in thoſe bleſt Times which *Tacitus* deſcribes——"*Rara* "*Temporum Felicitas, ubi ſentire quæ velis;* "*& quæ ſentias dicere licet.*"—"Such is the "ſingular Felicity of the Times, that eve-"ry Man may entertain what Opinion he "pleaſes, and declare what he thinks."

Indeed ſome ſelfiſh narrow minded Placemen and Dependents, now and then preſume to whiſper that private Men have no Buſineſs to interfere with Affairs of Government.

But

But they are ignorant of the Principles of our Government, or they are baſe enough to ſpeak the Language of Slavery for private Purpoſes.

To ſay that private Men have no Right to intermeddle with Government, is to maintain that they have nothing to do with what moſt nearly concerns their own Happineſs and Miſery. As the whole, ſays a ſpirited Writer, ſhould be concerned for the Preſervation of every Individual, ſo it is the Duty of every Individual to be concerned for the whole, in which himſelf is included.

This Principle is agreeable to the Spirit of our Conſtitution. Our Anceſtors were ſo far from thinking that private Men had no Right to interfere with Government, that our Records afford Inſtances, where the Houſe of Commons have declined entering upon Queſtions of Importance, till they had gone into the Country, and conſulted their Principals, the People: And we know the Time when the Cauſe of aſſembling the Parliament was declared before their Meeting, that they might have Time to receive the Inſtructions of their Conſtituents, on the propoſed Subjects of Deliberation.

Such a Practice might at this Time however be deemed impracticable; and perhaps it would be needleſs: For as the Channels

of

of Intercourſe and Correſpondence are conſiderably multiplied to what they were formerly, and as every Man, as I have obſerved, has the free Liberty of expreſſing his Sentiments, our Repreſentatives need not be ſtrangers to the Deſires of their Conſtituents.

Nevertheleſs though our Government admits of all the perſonal Freedom which Subjects can deſire, yet our Conſtitution does not reſt on that free Footing on which we could wiſh to ſee it eſtabliſhed. Monteſquieu very judiciouſly diſtinguiſhes between the Liberty of the *Conſtitution*, and the Liberty of the *Citizen*.

The firſt, he juſtly obſerves, conſiſts in the *juſt Diſtribution of Power among the three Orders of State:* But the ſecond depends on the real Security of the Subject, or on the Opinion which every one entertains of his Safety.

It may happen that the *Conſtitution* may be free, and yet the *Citizen* may not be ſo. The *Citizen* likewiſe may be free, and the *Conſtitution* may not. In ſuch Caſes, the *Conſtitution* will be free by *Right*, but not in *Fact:* And the Citizen will be free in *Fact*, but not by *Right*.

Liberty

Liberty, with regard to the *Conſtitution*, depends on the due Exerciſe of fundamental Laws: But with reſpect to the *Citizen*, prevailing Manners, Morals, and Examples may give it Exiſtence.

It is obſervable that *Monteſquieu* has exactly deſcribed our preſent Condition. Our *Conſtitution* is free by *Right*, but not in *Fact*: As *Citizens* we are free in *Fact*, but not by *Right*.

The Encroachment of paſt miniſterial Uſurpation has deſtroyed the Liberty of the *Conſtitution*; the Morals and good Examples of the Sovereign and preſent Miniſtry, have preſerved the Liberty of the *Citizen*.

But Oh! I muſt again repeat it, how precarious is that Liberty which depends on the perſonal Virtues of it's Magiſtrates? As they cannot anſwer for the Abilities and Inclinations of their Succeſſors, if we do not ſecure our Freedom in Point of *Right* as well as *Fact*, it *may* probably expire with our preſent Governors.

This evinces the Neceſſity of reviving the conſtitutional Mode of Adminiſtration, and of reſtoring the due Influence of Parliament. Conſtitutional Liberty, which conſiſts in the juſt Diſtribution of Power among the three

Orders of State, and depends on the due exerciſe of fundamental Laws, has been ſubverted by a Power unknown to the Conſtitution; by, I may ſay, an Excreſcence in Government, which, though no Order itſelf, has extended its Uſurpation over all the three.

A fairer Occaſion never offered for deſtroying this unnatural Influence. We have all moral certainty, from the good Diſpoſition of the Sovereign and his Miniſters, that they will concur in any Meaſures for the Security of public Liberty.

If we can procure the approaching Treaty of Peace to be concluded by the Advice and with the Conſent of Parliament, it will open the conſtitutional Intercourſe between the King and the national Council, and will put an End to all intermediate and unnatural Influence, which has been illegally obtained.

To ſay that this would be throwing too much Power into the Hands of the Commons; that our Government is already too much of the Democratic Caſt; and too ſtrongly tinctured with Republican Principles, is rather to raiſe Quibbles, than to offer reaſonable Objections. Such Men either deceive themſelves, or artfully attempt to impoſe upon others.

There

There is no Poſſibility of eſtabliſhing a Republic in this Kingdom, while the preſent State of Property ſubſiſts. Unleſs Men of overgrown Fortunes could be perſuaded to throw their Eſtates into *Hotchpot*, in Order to ſettle an *Agrarian*, there is no Fear of a Commonwealth. And we apprehend that it will be no eaſy Matter to incline the unweildy and pampered Sons of Opulence, to ſuch ſelf-denying and levelling Principles.

Could the moſt diſtant Proſpect of Inconvenience ariſe from reſtoring the conſtitutional Influence of Parliament, no Well-wiſher to his Country, no Man ſenſible of the Perfection of our preſent Form of Government, would wiſh to try the Expedient: But in Truth it is the only Method to fix our Government on its true and original Baſis, and to make the Foundation laſting.

Shall the Parliament, who have freely voted unprecedented Millions for proſecuting this ſucceſsful War, have no Share in concluding Peace? Shall they aſſemble in ſolemn Council to determine whether Spirits ſhall be diſtilled from Malt or Sugar—Whether a Road ſhall be cut through one Pariſh or another—And whether a Bridge ſhall be conſtructed from *Fleet-Ditch* or *White-Friars*: And when the moſt important Concerns of

the Kingdom are under Conſideration, ſhall they be excluded from Debate? Shall they, I muſt repeat it, who are chief *Parties* to the Treaty, not be *Privies* to it? Forbid it Juſtice! Forbid it Senſe! Forbid it Liberty!

In ſhort, let the Treaty be ever ſo admirably framed, yet it cannot give Satisfaction, unleſs it be concluded in the Manner which the Conſtitution preſcribes. The Wiſdom and Integrity of the preſent Miniſtry afford us the ſtrongeſt Aſſurance, that we ſhould have no Reaſon to repent a Treaty concluded under the Influence of their good Councils; but the ſame excluſive and irregular Authority may, in ſome ſucceeding Adminiſtration, produce another Treaty of *Utrecht*.

We need not ſcruple to affirm, that for Years paſt, more eſpecially ſince the Revolution, all our domeſtic Diſcord and Diviſions have been owing to the Tyranny of a Prime Miniſter, or to an Oligarchic Uſurpation.

The Time is now come to put an End to it, by turning the national Councils into their proper Channel; which is only to be effected by reſtoring the conſtitutional Authority of Parliament, which ought, as I have ſhewn, to prevail in all weighty Concerns which require

quire mature Deliberation: And to this End we hope that the approaching Treaty of Peace will be debated in, and concluded by the Conſent of, the great Aſſembly of the Nation.

Men who are for going on in the old Track, may call this Innovation and Refinement: But it will be in vain for them to argue againſt the free Principles of our Conſtitution, defended by ſound Maxims of Policy, and the Force of Practice ſupported by ſolemn Precedents.—Be not deceived, they either ſpeak the Language of Ignorance or Self-Intereſt.

Thus, my Countrymen, I have endeavoured to prove both the *Reaſon* and the *Right* of the Mode of Negociation I have preſumed to recommend: And it is to be wiſhed that every Man would exert his Endeavours to procure the Re-eſtabliſhment of a Practice ſo conſtitutional and eſſential to the Welfare of this Kingdom.

It behoves us reſpectfully to remind our Repreſentatives of the Duties which they owe to themſelves and to their Conſtituents: And the Recollection will infallibly engage them to aſſert their own Dignity, by maintaining the national Rights.

If

If we loſe this happy Opportunity of putting in our Claim, when the Juſtice and Generoſity of the Sovereign, and the Prudence and Moderation of the Miniſtry invite our Petitions, and give us the ſtrongeſt Aſſurance of Succeſs, we ſhall make a bad Uſe of the Freedom we enjoy by the Indulgence of the Adminiſtration.

If we do not endeavour to make the *Conſtitution* free in *Fact* as well as by Right; if we are tamely content with our own preſent and precarious Freedom as *Citizens*—How ſhall we anſwer the Indolence and Negligence to ourſelves?

But above all, ſhould the Bleſſing laſt for our Time, yet how ſhall we anſwer it to Poſterity, to entruſt the Security of their Liberties and Properties to the perſonal Virtues of, perhaps, unborn Governors?——Reflect,——Farewell. I am, a Friend to you all, in being a Friend to the Conſtitution.

FINIS.